

Amendment  
Serial No. 09/763,843

Docket No. PHN 17,510

**REMARKS**

For the amendments made to the claims and the remarks made herein, applicant respectfully requests reconsideration and withdrawal of the rejections.

Claims 1-9 are pending and stand rejected.

Claims 1-9 have been amended to correct errors in form. No new matter has been added.

Applicant notes that in the Office Action Summary the examiner has checked box 10 with regard to the drawings filed on 27 February 2001. However, the examiner has not indicated whether the drawings are accepted or objected to. Applicant believes that the drawings submitted have been accepted. If the applicant's belief is incorrect, applicant respectfully requests that the examiner provide a reason as to why the drawings are not so.

Claims 1-9 stand rejected under 35 USC 102(c) as being anticipated by Giallorenzi (USP No. 6,332,008). The examiner recites that the '008 reference incorporates USP Nos. 5,583,853 and 5,499,236. It is the examiner's position that as the '008 patent incorporates by reference the teachings of the referred to US patents, then the teaching of each of the patents may be cited against the subject matter claimed. More specifically, with regard to independent claims 1, 4 and 7, the examiner cites the abstract and Figs. 1, 2 & 3 of the '008 reference against the respective preambles, claims 1 & 4 of the '853 reference against the subject matter "initial code word," the abstract and claim 1 of the '236 reference against the subject matter "final code word," and col. 3, lines 44-48 of the '008 reference against the subject matter "in initial code word is substantially orthogonal to the final code word."

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. Giallorenzi '008 teaches a synchronizer and a synchronizer method that is used in a communication system. Giallorenzi teaches using three despreader for the signal for each user. Each despreader receives the spreading code for the associated user. However, the spreading code as received by any one despreader is time-delayed with respect to the other despreaders. Each despreader receives the spreading code with a different amount of delay imposed on that spreading

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code. The outputs of the three despreaders are digitally combined or compared to produce the offset estimate for that user.

The examiner refers to '008, col. 3, lines 44-47 as disclosing that the "initial code word is substantially orthogonal to the final code word." However, an examination of the referred to paragraph reveals that Giallorenzi refers to "orthogonality among the users." This is merely conventional teaching of CDMA communication systems and has nothing to do with orthogonality between an initial and a final code word as is claimed. Accordingly, Giallorenzi fails to teach an initial code word for synchronization, or a final code word or that the initial and final code words are substantially orthogonal, as is recited in the claims.

Furthermore, Giallorenzi '008 recites that the '853 and the '236 references also teach synchronized CDMA systems. However neither the '853 reference nor the '236 reference recites an initial, final code words or that the initial and final code words are substantially orthogonal.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Giallorenzi cannot be said to anticipate the present invention, because Giallorenzi fails to disclose each and every element recited. As shown, Giallorenzi '008 fails to disclose "an initial code word," "a final code word," or that the "initial code word is substantially orthogonal to the final code word." Furtherstill, the '853 and '236 references, even if they could be considered to be within a single prior art reference, fail to disclose the subject matter recited in each of the independent claims.

Having shown that Giallorenzi ('008, '853 and '236) fails to disclose each and every element claimed, applicant submits that the reason for the examiner's rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claims 2, 3, 5, 6, 8 and 9, these claims depend from independent claims 1, 4, and 7, respectively, which have been shown to be allowable in view of the cited reference(s). Accordingly, these claims are also allowable by virtue of their dependence from an allowable base claim.

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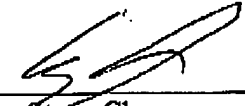
For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Applicant further submits that the claims were amended to correct topographical errors and errors in form. The amendments were not made to overcome the reference cited. Furthermore, the substance of the originally filed claims has not been amended. Accordingly, the amendments made are not related to patentability and do not alter or limit the substance of the subject matter claimed.

Respectfully submitted,

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